

§4406. Preemption**(a) Federal action**

No statement relating to the use of smokeless tobacco products and health, other than the statements required by section 4402 of this title, shall be required by any Federal agency to appear on any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

(b) State and local action

No statement relating to the use of smokeless tobacco products and health, other than the statements required by section 4402 of this title, shall be required by any State or local statute or regulation to be included on any package or in any advertisement (unless the advertisement is an outdoor billboard advertisement) of a smokeless tobacco product.

(c) Effect on liability law

Nothing in this chapter shall relieve any person from liability at common law or under State statutory law to any other person.

(Pub. L. 99252, §7, Feb. 27, 1986, 100 Stat. 34.)

§4407. Reports**(a) Secretary's report**

The Secretary of Health and Human Services shall transmit a report to the Congress not later than January 11, 1987, and biennially thereafter, containing—

- (1) a description of the effects of health education efforts on the use of smokeless tobacco products,
- (2) a description of the use by the public of smokeless tobacco products,
- (3) an evaluation of the health effects of smokeless tobacco products and the identification of areas appropriate for further research, and
- (4) such recommendations for legislation and administrative action as the Secretary considers appropriate.

(b) FTC report

The Federal Trade Commission shall transmit a report to the Congress not later than January 11, 1987, and biennially thereafter, containing (1) a description of the current sales, advertising, and marketing practices associated with smokeless tobacco products, and (2) such recommendations for legislation and administrative action as it deems appropriate.

(Pub. L. 99252, §8, Feb. 27, 1986, 100 Stat. 34.)

§4408. Definitions

For purposes of this chapter:

- (1) The term “smokeless tobacco” means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.
- (2) The term “commerce” means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside

thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(3) The term “United States”, when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and installations of the Armed Forces.

(4) The term “package” means a pack, box, carton, pouch, or container of any kind in which smokeless tobacco products are offered for sale, sold, or otherwise distributed to consumers.

(5) The term “sale or distribution” includes sampling or any other distribution not for sale.

(6) The term “Secretary” means the Secretary of Health and Human Services.

(Pub. L. 99252, §9, Feb. 27, 1986, 100 Stat. 34.)

CHAPTER 71—PETROLEUM OVERCHARGE DISTRIBUTION AND RESTITUTION

Sec. 4501.	Restitutionary amounts covered. (a) In general. (b) Special rule. (c) Exclusions. (d) Escrow accounts. (e) Interest.
4502.	Identification and disbursement of restitutionary amounts. (a) In general. (b) Disbursement of restitutionary amounts as direct restitution to injured persons. (c) Determination of excess amount to be used for indirect restitution. (d) Disbursement of excess amount as indirect restitution for energy conservation programs.
4503.	Deposit of remainder of excess amount into Treasury as indirect restitution.
4504.	Statute of limitation. (a) In general. (b) Exceptions. (c) Expression of intent. (d) End of investigations and audits. (e) Limitation on review. (f) Oversight.
4505.	Reports. (a) Report on receipts and disbursements. (b) Report on collection of certain deficiency funds. (c) Report on amount estimated to be available for indirect restitution. (d) Receipt by committees.
4506.	Termination. (a) In general. (b) Exception.
4507.	Definitions.

§4501. Restitutionary amounts covered**(a) In general**

This chapter (other than section 4504 of this title)—